

Remarks

Claims 35-44, 46, 47, and 50-51 are pending in the Application.

Claims 35-44, 46, 47, and 50-51 are rejected.

I. INFORMALITIES

The Examiner has objected to Claims 39 and 40 because of the following informalities: in claims 39 and 40, line 3, it appears that “?” should be “±”. Office Action, at 2.

Applicant concurs that there do appear to be typographical errors in Claims 39 and 40 in the listing of claims provided in Applicant's Amendment Under 37 C.F.R. § 1.111, filed December 15, 2006 (“Applicant's December 2006 Amendment”). Applicant believes these errors occurred because the “±” symbol was inadvertently converted the “?” symbol due to a computer word-processing error.

Prior to Applicant's December 2006 Amendment, the listing of claims 39 and 40 in the present Application was as follows:

39. (Previously Presented) A rope of single-wall carbon nanotubes in accordance with claim 38 wherein the average diameter of all single-wall carbon nanotubes in the rope is $13.8 \text{ \AA} \pm 0.3 \text{ \AA}$.

40. (Previously Presented) A rope of single-wall carbon nanotubes in accordance with claim 38 wherein the average diameter of all single-wall carbon nanotubes in the rope is $13.8 \text{ \AA} \pm 0.2 \text{ \AA}$.

See Amendment Accompanying Request For Continued Examination, filed June 30, 2006 (“Applicant's RCE”), at 2. These claims contained the “±” symbol, as intended by Applicant.

In Applicants' December 2006 Amendment, Applicant had intended for Claims 39 or 40 to remain identical to their listing of claims provided in Applicant's RCE. In fact, when listing these claims in Applicant's December 2006 Amendment, Applicant

noted that the status of Claims 39 and 40 were as "Previously Provided." Hence, the use of the "±" symbol in these claims should have remained unchanged. Nonetheless, when provided to the USPTO, the "±" symbol had somehow changed to the "?" symbol.

Accordingly, Applicant has amended the claims to return them to the way that these were in Applicant's RCE (and the way Applicant intended them to be in Applicant's December 2006 Amendment).

Applicant's respectfully appreciates the Examiner identifying these typographical errors so that Applicant can correct the claims to the proper form.

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the objections to Claims 39 and 40 in view of the stated informalities.

II. NONSTATUTORY DOUBLE PATENTING REJECTION

The Examiner has rejected Claims 35-44, 46, 47, and 50-51 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-22 of United States Patent No. 6,969,504, issued November 29, 2005, to Smalley *et al.* ("the '504 Patent"). Final Office Action, at 2.

Applicant respectfully traverses this rejection. However, to facilitate prosecution of the Application, Applicant hereby responds with the enclosed Terminal Disclaimer to moot this obviousness-type double patenting rejection. Therefore, this obviousness-type double patenting rejection is now moot.

III. CONCLUSION

As a result of the foregoing, it is asserted by Applicant that the Claims in the Application are now in a condition for allowance, and respectfully requests allowance of such Claims.

Applicant believes that it has concurrently herewith paid all fees required with this amendment and that no further fees are due. However, should any further fees be required, the Commissioner is authorized to charge such fees to Deposit Account No. 06-1050. Please

Applicant : Richard E. Smalley *et al.*
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reference Attorney Docket No. 21753-002002.

Applicant respectfully requests that the Examiner call Applicant's attorney at number listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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